

REMARKS/ARGUMENTS

The Office Action mailed November 16, 2006 and the Advisory Action dated March 8, 2006 have been reviewed and carefully considered. Claims 1-9, 11-24, 29, 31-37, 46-160, and 163-178 are pending in this application, with claims 1, 22, 29, 163, 176, 177, and 178 being the only independent claims. Reconsideration of the above-identified application, as herein amended and in view of the following remarks, is respectfully requested.

Claim Amendments

Independent claims 1, 22, 29 and 163 are each amended to recite the steps of “measuring a duration of time for which the measured strength of the communication from the at least one other cell exceeds the measured strength of the communication from the current cell during said step of comparing” and “changing the current cell with which the station is associated, wherein the current cell is changed only if the measured duration of time is at least a predetermined time period”. Support for this amendment is found at page 8, lines 11-22, of the published international specification.

New claim 165 is added to further recite that predetermined time period may be variable and new claim 166 is added to further recite that the variable predetermined time period is dependent on at least one of environment and traffic. Support for these claim limitations is found at page 8, lines 23-27, of the published international application.

New claims 167-169 are added to recite “detecting, at a first time during said step of comparing, when the measured strength of the at least one other cell exceeds the measured strength of the current cell, wherein said step of measuring comprises measuring a duration of time starting at the first time for which the measured strength of the communication from the at least one other cell exceeds the measured strength of the communication from the current cell during

said step of comparing, and wherein said step of changing comprises changing the current cell with which the station is associated only if the measured duration of time reaches a second time, the first time and second time defining the predetermined time period”. Support for this limitation is found on page 8, lines 16-22, of the published international application. The times t_2 and t_3 in the specification correspond to the recited first and second times.

New claims 170-172 are added to recite “the current cell is not changed when the measured strength of the communication from the at least one other cell does not exceed the measured strength of the communication from the current cell”. Support for this limitation is found at page 8, lines 20-22.

New claims 173-175 are added to further recite that measuring at the station the strength of a communication from the current cell and measuring at the station the strength of a communication from at least one other cell are performed simultaneously. Support for these limitations is found in Fig. 3 of the specification and the associated text which shows that the strength of communications at the current cell and the neighbour cell are both measured at times t_2 and t_3 .

New claims 176-178 are added to recite “changing the current cell with which the station is associated, wherein the current cell is changed only if the condition that the measured strength of the communication from the at least one other cell exceeds the measured strength of the communication from the current cell is met and is continuously met for the duration of a predetermined time period”. This limitation is supported in the specification at page 8, lines 16-19; and in Fig. 3 which shows that the strength of the neighbour cell continuously exceeds the strength of the current cell for a time period T before the current cell is changed.

Rejections of Claims under 35 U.S.C. §102 and 103

Claims 1-3, 7-22, 25, 27-29, 33, 38-39, 43-47, 51-57, 61-69, 73-82, 86-95, 99-110, 114-126, 130-143, 147-160, and 163-164 stand rejected under 35 U.S.C. §102 as anticipated by U.S. Patent No. 5,241,686 (Charbonnier).

Claims 4-6, 23-24, 26, 30-32, 35-37, 40-42, 48-50, 58-60, 70-72, 83-85, 96-98, 111-113, 127-129, and 144-146 stand rejected under 35 U.S.C. §103 as unpatentable over Charbonnier in view of U.S. Patent No. 5,640,677 (Karlsson).

Independent claims 1, 22, 29, and 163 have each been amended to recite “measuring a duration of time for which the measured strength of the communication from the at least one other cell exceeds the measured strength of the communication from the current cell during said step of comparing” and “changing the current cell with which the station is associated, wherein the current cell is changed only if the measured duration of time is at least a predetermined time period”. Charbonnier fails to teach these limitations because Charbonnier discloses comparing only one instantaneous measurement to another.

Charbonnier discloses a process for regulation of traffic load of fixed stations in a cellular radio communication network. Charbonnier discloses that a mobile station or mobile includes a list of frequencies which can be used as beacon routes (col. 8, lines 32-34, of Charbonnier). A synthesizer 44 of the mobile is positioned successively and cyclically on these frequencies (col. 8, lines 34-35). The mobile measures the power of a received field for each frequency (col. 8, lines 36-45). Based on the measurements of the latest scan of the frequencies, the mobile determines the beacon route that has the received field with the highest power value (col. 8, lines 46-57). The timing of the measurements is described at col. 8, lines 58-65 which

states that one route is scanned every 700ms so that a scanning period for 40 routes is approximately 28 seconds.

There is no disclosure in Charbonnier for “measuring a duration of time for which the measured strength of the communication from the at least one other cell exceeds the measured strength of the communication from the current cell during said step of comparing”, as now expressly recited in independent claims 1, 22, 29, and 163. Instead, Charbonnier merely compares the measurements of each beacon route within one scan to each other to determine whether to change a current cell. According to Charbonnier, each frequency is measured for a specified amount of time during a scan of the frequencies, e.g., 700ms at col. 8, lines 58-65. Since the duration of time of the measurement is specified and since Charbonnier makes a comparison after each completed scan using the latest measured values, Charbonnier fails to teach or suggest any reason to measure how long a condition exists.

In view of the above remarks, independent claims 1, 22, 29, and 163 are not anticipated by or obvious over Charbonnier.

New independent claims 176-178 each recite “changing the current cell with which the station is associated, wherein the current cell is changed only if the condition that the measured strength of the communication from the at least one other cell exceeds the measured strength of the communication from the current cell is met and the condition continues to be met for the duration of a predetermined time period”. Charbonnier does not disclose, teach or suggest that the current cell is changed if the condition continues to be met for the duration of a predetermined time period. Rather, Charbonnier discloses that the current cell is changed based on one measurement in each of the cells (see col. 8, lines 46-57). Therefore, Charbonnier checks

if a condition is met, but does not check that the condition continues to be met for a duration of a predetermined time period.

In view of the above remarks, independent claims 176-178 are each allowable over Charbonnier.

Dependent claims 2-9, 11-21, 23-24, 31-37, 46-160, and 164-175, each being dependent on one of independent claims 1, 22, 29, 163, are allowable for the same reasons expressed above with respect to independent claims 1, 22, 29, and 163, as well as for the additional recitations contained therein.

Dependent claims 165 and 166 further recite that the predetermined time period is variable. Since Charbonnier compares the measurements of one beacon route to another from a single scan of the beacon routes, Charbonnier fails to disclose a variable time period. Accordingly, dependent claims 165 and 166 are allowable for these additional reasons.

Dependent claims 167-169 each recite that “wherein said step of measuring comprises measuring a duration of time starting at the first time for which the measured strength of the communication from the at least one other cell exceeds the measured strength of the communication from the current cell during said step of comparing, and wherein said step of changing comprises changing the current cell with which the station is associated only if the measured duration of time reaches a second time, the first time and second time defining the predetermined time period”. Accordingly, these claims require that the measured strength of the communication from the at least one other cell exceeds the measured strength of the communication from the current cell for the entire period between a first time and a second time. Since Charbonnier discloses that the measurements made within one scan are compared, Charbonnier fails to teach or suggest “measuring a duration of time starting at the first time for

which the measured strength of the communication from the at least one other cell exceeds the measured strength of the communication from the current cell during said step of comparing, and wherein said step of changing comprises changing the current cell with which the station is associated only if the measured duration of time reaches a second time, the first time and second time defining the predetermined time period”. Claims 167-169 are allowable for at least these additional reasons.

Claims 170-172 further recite that “the current cell is not changed when the measured strength of the communication from the at least one other cell does not exceed the measured strength of the communication from the current cell for the duration of the predetermined time period”. As noted above, Charbonnier changes the current cell if a measurement in a single scan of a neighbor cell exceeds the measurement of the current cell. Charbonnier does not measure the duration of time or check whether this condition exists for the duration of a predetermined time period. Accordingly, claims 170-172 are allowable for at least these additional reasons.


Claims 173-175 further recite that the steps of measuring at the station the strength of a communication from the current cell and measuring at the station the strength of a communication from at least one other cell are performed simultaneously. Since Charbonnier discloses that the measurement of the field for each channel frequency is measured successively, Charbonnier fails to disclose, teach or suggest that the measurements are simultaneous. Accordingly, claims 173-175 are allowable for at least these additional reasons.

The application is now deemed to be in condition for allowance and notice to that effect is solicited.

Payment in the amount \$1300.00 is enclosed in payment for the addition of 14 new total claims in excess of 20 and three new independent claims in excess of three.

Respectfully submitted,

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